

In The United States District Court
Western District of Virginia
Roanoke Division

Angel Cartagena
Plaintiff

V.

Alley Lovell, T. Powell
B. Monade, Haynes, Kilbourne,
H. Clarke, D. Robinson, Eric Madsen,
Carl Manis, Defendant(s)
Individual and official capacities

Declaration In Support of This
42 U.S.C. § 1983 Civil Action

Declaration Provided By:
Angel Cartagena, #1078842

I, Angel Cartagena, #1078842, herein after the "Declarant," is an offender incarcerated under the Virginia Department of Corrections and was detained without a lawful judicial order for (18) months in a licensed psychiatric unit titled, "(S)ecure Diversionary Treatment Program," (S.D.T.P.)

I declare under the penalty of perjury to the following:

On or about the month of November 22, 2019 I was detained in the (S)ecure Diversionary Treatment Program by the VA D.O.C. with specific respect to the authority and approval by Alley Lovell, Director of all (3) S.D.T.P./I.D.T.P. units and VA D.O.C. Central Classification. Qualified Mental Health Professionals of VA D.O.C. has reportedly diagnosed me with Serious Mental Illness ("SMI"). Prior to and after being admitted into this unlawful detention in S.D.T.P., a licensed psychiatric unit by said officials (but not limited to), I was not, 1- Provided a judicial Due Process hearing for involuntary commitment after not giving voluntary consent (for mental health treatment, services, and care) to be detained in a (S)ecure licensed psychiatric unit, 2- Provided the notice or right to appeal the detention, 3- Provided the right to attend, make testimony, defend, or provide

witnesses against detention; and 4-allowed and denied the opportunity to not participate in mental health treatment, services and care.

I declare that detain(ing) me into a (S)ecure psychiatric unit was not apart of my "Sentencing Order" by the Circuit Court that penalized me for my alleged convicted criminal convictions; nor has any other post-conviction order been issued by any General, Circuit, or Federal Court(s) for involuntary commitment for or recommendations for detention in a (S)ecure (licensed) Psychiatric unit or facility.

Furthermore, I declare that if I failed to cooperate, participate or not complete S.D.T.P.'s mental health treatment, services, care, assignments, e.g. I am disciplined via 1- Institutional Infractions 2- penalized and suspended of good time earnings. 3- Held in restricted housing, segregation within the (S)ecure Diversion Treatment Program and deprived of privileges as offered and available to the regular general population housing assignments, and 4- forced into more restricted "Phases" (levels) within the S.D.T.P. unit all under duress, contempt and without affording of Due Process to participate or appeal such decisions.

In conclusion, if I attempt to defend against such unconstitutional injuries of this unlawful detention, or litigate, or simply file an offender grievance, seeking redress, remedy, or appeal to be removed from S.D.T.P. detention, I am retaliated against by correctional staff and officials who supervise and provide services to S.D.T.P. thru threat of bodily harm or injury, disciplinary infractions and placement in the most restrictive "Phases" Levels of the S.D.T.P. unit. For (18) months, I was confined (24) hours a day in a cell.

Indeed, isolation is a form of bodily restraint. VA D.O.C. states that the S.D.T.P. units are a general population; but within the Virginia D.O.C. Operating Procedures 830.5 states that it is a restrictive housing unit, "Segregation". Seriously mentally ill offenders per D.O.C. policies states that anybody with "(SMI)" cannot be housed in Restrictive Housing unit nor more than (28) day. I was forced to comply with said recommended treatment, or else I would of remain indefinite within the program (S)ecure

Diversionary Treatment Program On May 26th 2021 I was then transferred to a Supermax facility known as Wallens Bridge State Prison which was deemed inappropriate and not suitable for those who suffer from serious mental illness. For (18) months straight I endured some very harsh and inhumane conditions such as being confined within a cell (21) hours a day which was very hazardous to my health and safety. Do to the extreme restrictions that the (S)ecure Diversionary Treatment Program imposes, I suffered grievous physical injuries, emotional distress and mental anguish. The S.D.T.P. units (3) in total, are the most restrictive housing units within the V.A.D.O.C. Those who suffer from mental disabilities are suppose to be free from undue bodily restraints, indeed isolation is a form of bodily restraint. Therefore, this program is highly illegal and unconstitutional.

I declare that this declaration is both true and provided under penalty of perjury. I further attest that I am able and willing to testify to any hearings related to this declaration about the unlawful detention while I was under the care of River North Correctional Center, S.D.T.P., in this 42 U.S.C. Section 1983 Action and any judicial actions pertaining to this case.

Respectfully Submitted On:
9th day of January 2021.

Angel Castaneda
 #1078842

Petitioner, Prose
 Marion Correctional Treatment Center
 110 Wright St.
 Marion, VA. 24354